

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10723,462
 Applicants : Westphall et al.
 Filed : November 28, 2003
 Title : Inductive Detection for Mass Spectrometry
 Confirmation No. 5946
 TC/A.U. : 2881
 Examiner : Fernandez, Kalimah
 Docket No. : 105-01

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10 June 05 *Kay Spaulter*
 Date Key Speaker

AMENDMENT & RESPONSE TO RESTRICTION REQUIREMENT

Hon. Commissioner for Patents
 Mail Stop Amendment
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

In response to the Office Action of March 10, 2005, please amend the
 above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on
 page 3 of this paper.

Remarks/Arguments begin on page 16 of this paper.

6/13/2005 KBETERRA 00000046 071969 10723462

1 FC:2202 200.00 DA

6/21/2005 YSHORT 00000044 071969 10723462

1 FC:1252 450.00 CR

PAGE 220 * RCVD AT 07/10/2005 5:32:18 PM [Eastern Daylight Time] * SYR:USPTO-EFAX-10 * DMS:2729306 * CSD:3034998089 * DURATION (mm:ss):05:02

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Adjustment Date: 10/14/2005 SDIRETAL 10723462
 06/21/2005 YSHORT 00000044 071969
 01 FC:1252 450.00 CR

GREENLEE, WINNER and SULLIVAN, P.C.

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725 AUG 30 PM 10:12

US PATENT & TRADEMARK
OFFICE**FACSIMILE COVER SHEET**

DATE: August 29, 2005
TOTAL NO. PAGES: 7 - including cover sheet
TO: Office of Finance
U.S. Patent and Trademark Office
FACSIMILE NUMBER: (571) 273-6500
FROM: Stephen B. Barone
RE: USSN 10/723,462
Attorney Docket No. 105-01

If transmission is unclear, please telephone (303) 499-8080 immediately and ask for Cathy.

Submitted Herewith: Request for Refund - 2 pages
Printout from PAIR - 2 pages
Office Action Summary - 1 page
Auto-Reply Facsimile Transmission dated 6/10/05 - 1 page

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August 29, 2005
Date

Cathy Nelson
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/723,462 Confirmation No. 5946
Applicant : Westphall et al.
Filed : November 26, 2003
TC/A.U. : 2881
Examiner : Kalimah Fernandez
For : Inductive Detection for Mass Spectrometry
Docket No. : 105-01
Customer No.: 23713

Commissioner for Patents
ATTN: Office of Finance
P.O. Box 1450
Alexandria, VA 22313-1450

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PO Box 1450, Alexandria, VA 22313-1450

Fax No.: (571) 273 6600

August 29, 2005
DateCathy Nelson
Cathy Nelson

REQUEST FOR REFUND OF FEES

Sir:

Pursuant to 37 CFR 1.28(a), Applicants respectfully request refund in the amount of \$ 450.00, which was charged for a fee for a two-month extension of time in the above-referenced U.S. Patent Application. It is asserted that this charge is incorrect, as Applicants properly responded to the Office Action of March 10, 2005 within the shortened statutory reply period.

Calculation of Refund Amount

On March 10, 2005, the U.S. Patent Office issued an Office Action setting forth a three-month shortened statutory reply period (See, attached Office Action Summary for Office Action of March 10, 2005). On June 10, 2005, Applicants responded via facsimile to the Office Action of March 10, 2005 within the three-month shortened statutory reply period. Applicants response complied with all the requirements of 37 C.F.R. Section 1.6 and was accorded a date of receipt of June 10, 2005, as shown in the attached Auto-Reply Facsimile Transmission and the Status Printout generated using the Patent Application Information Retrieval System on August 29, 2005. Although Applicants' response was timely filed within the three-month shortened

Appl. No. 10/723,462
Request for Refund dated August 29, 2005

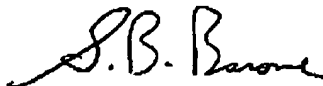
statutory reply period, the Patent Office charged a fee of \$450.00 for a two-month extension of time.

Applicants, therefore, request a refund of \$450.00 as the fee charged in this case was incorrect.

It is believed that the present submission does not require the payment of any fees. If this is incorrect, however, please charge any fees required, including any extensions of time required, to Deposit Account No. 07-1969.

Please notify the undersigned if any further information is necessary.

Respectfully submitted,



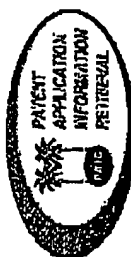
Stephen B. Barone
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Attorney Docket No. 105-01
August 29, 2005



United States Patent and Trademark Office

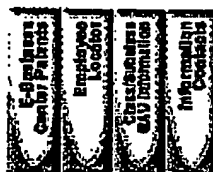
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PATENT APPLICATION INFORMATION RETRIEVAL



Other Links



08/29/2005 14:11 FAX 3034998089

GREENLEE WINNER SULLIVAN

004

Printer Friendly Version Search results as of: 8-29-2005:11:57:18 E.T.

Search results for application number: 10723,462	
Application Number: 10723,462	Customer Number: 23713
Filing or 371(c) Date: 11-26-2003	Status: Non Final Action Mailed
Application Type: Utility	Status Date: 06-28-2005
Examiner Name: FERNANDEZ, KALIMAH	Location: ELECTRONIC
Group Art Unit: 2881	Location Date: -
Confirmation Number: 5948	Earliest Publication No: US 2004-0169137 A1
Attorney Docket Number: 105-01	Earliest Publication Date: 09-02-2004
Class/ Sub-Class: 250/287	Patent Number: -
First Named Inventor: Michael Westphal, Fitchburg, WI (US)	Issue Date of Patent: -
Title Of Invention: Inductive detection for mass spectrometry	

Select Search Option

Assignments	Search
Continuity Data	
Display References	
Image File Wrapper	
Publication Review	
Published Documents	

File History	
Date	Contents Description
06-29-2005	Mail Non-Final Rejection
06-27-2005	Non-Final Rejection
06-27-2005	Date Forwarded to Examiner
06-10-2005	Response to Election / Restriction Filed

http://pair-direct.uspto.gov/cgi-bin/final/cusnum.pl?username=Stephen+Brennan+Barone&USERCODE=123&ApplicationNumber=10... 8/29/2005

08/29/2005 14:11 FAX 3034998089

GREENLEE WINNER SULLIVAN

005

06-10-2005	Request for Extension of Time - Granted
03-10-2006	Mail Restriction Requirement
03-07-2005	Requirement for Restriction / Election
12-09-2004	Case Docketed to Examiner in GAU
11-23-2004	IFW TSS Processing by Tech Center Complete
11-23-2004	Case Docketed to Examiner in GAU
07-15-2004	Reference capture on IDS
10-05-2004	Transfer Inquiry to GAU
07-15-2004	Information Disclosure Statement (IDS) Filed
05-21-2004	Application Return from OIPE
05-21-2004	Application Return TO OIPE
05-21-2004	Application Return from OIPE
05-24-2004	Application Is Now Complete
05-21-2004	Application Return TO OIPE
05-21-2004	Application Dispatched from OIPE
05-21-2004	Application Is Now Complete
05-11-2004	Payment of additional filing fee/Preexam
05-11-2004	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant
03-11-2004	Notice Mailed --Application Incomplete--Filing Date Assigned
02-26-2004	Cleared by L&R (LARS)
02-09-2004	Referred to Level 2 (LARS) by OIPE CSR
12-23-2003	IFW Scan & PACR Auto Security Review
11-26-2003	Initial Exam Team met

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<http://pair-direct.uspto.gov/cgi-bin/final/cusnum.pl?username=Stephen+Brennan+Barone&USERCODE=123&ApplicationNumber=10...> 8/29/2005

Office Action Summary	Application No. 10/723,462	Applicant(s) WESTPHALL ET AL	
	Examiner Kalimah Fernandez	Art Unit 2881	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.135(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-52 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claim(s) 1-52 are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

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8/10/2005 5:38 PM PAGE 1/001 Fax Server
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Auto-Reply Facsimile Transmission

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Fax Information

Date Received:

Total Pages:

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20 (Including cover page)

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GREENLEE, WINNER and SULLIVAN, P.C. 4375 Pearl East Circle, Suite 200 Boulder, Colorado 80301 USA Telephone (303) 499-8080 Fax (303) 499-8089			
FACSIMILE COVER SHEET			
DATE:	June 10, 2005		
TOTAL NO. PAGES (incl. cover sheet):	20		
TO:	Examiner Kalimah Fernandez		
FIRM NAME:	Group 2881 USPTO		
FACSIMILE NUMBER:	703-872-9306		
FROM:	Stephen B. Barone		
RE:	10/723,462 Attorney Docket 105-01		
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PAGE 1/20 * RCVD AT 8/29/2005 14:22:18 PM [Eastern Daylight Time] * SVR:USPTO-EFXXF-6/26 * DNIS:2736500 * CSID:3034998089 * DURATION (mm:ss):02:20			

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